

REMARKS

The Examiner is requiring restriction in the above-identified application as follows:

Group I: Claims 1-25, drawn to a magnetic powder composition, a magnetic molding and the method of making the molding; and

Group II: Claims 27-31, drawn to a roller for developers and devices containing this roller.

Applicants have provisionally elected, with traverse, Group I: Claims 1-25, drawn to a magnetic powder composition, a magnetic molding and the method of making the molding, for further prosecution.

The Office has characterized the inventions of Groups I and II as related as process of making and product made. Utilizing this characterization, the Office has opined that the process, as claimed, can be used to make another and materially different product.

Applicants submit that the Office is merely stating an opinion, that the Office has not shown the process, as claimed, can be used to make another and materially different product, and that the Office, therefore, has not met the burden required to sustain restriction. Withdrawal of the Restriction Requirement is requested.

Applicants further traverse the Restriction Requirement on the grounds that a search of all the claims would not present an undue burden. The MPEP, in subsection 803 states:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all the claims would not impose a serious burden on the Office. Because a search of all the claims would not impose a serious burden on the Office, Applicants request withdrawal of the Restriction Requirement.

Application No. 10/686,617

Reply to Restriction Requirement of November 18, 2005

Applicants submit this application is now in condition for examination on the merits  
and early notification of such action is earnestly solicited.

Respectfully submitted,

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